

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL TEMPLE, #M21297,)	
)	
Plaintiff,)	
)	
vs.)	No. 20-cv-01343-DWD
)	
AUSTIN THOMPSON and)	
ANTHONY SENN,)	
)	
Defendant.)	

ANSWER AND AFFIRMATIVE DEFENSES

NOW COME the Defendants, ANTHONY SENN and AUSTIN THOMPSON, by and through their attorney, KWAME RAOUL, Attorney General of the State of Illinois, and for their Answer to Plaintiff's Complaint (Doc. 1), in accordance with the Southern District Administrative Order No. 244 and this Court's Merit Review Order (Doc. 13), state as follows:

The Complaint

Plaintiff makes the following allegations in the Complaint ([Doc. 1](#)): On September 22, 2019, Plaintiff informed Defendant Sergeant Senn that an inmate named Jackson had thrown urine on him and threatened him. Senn took no action other than to tell Plaintiff to shower.

ANSWER: Defendant Senn denies the allegations against him in this paragraph. Defendant Thompson lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

On September 23, 2019, Defendant Thompson released Jackson from his cell and walked off. Jackson approached Plaintiff, threatening to kill him. Thompson, who was between them, did nothing and left. Jackson subsequently stabbed Plaintiff with a prison shank.

ANSWER: Defendant Thompson does not recall releasing "Jackson" from his cell and walking off. Defendant Thompson denies hearing "Jackson" threatening to kill Plaintiff and doing

nothing in response. Defendants admit that a physical altercation occurred between “Jackson” and Plaintiff on September 23, 2019 at Lawrence Correctional Center. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

Based on the allegations of the Complaint, the Court finds it convenient to organize the *pro se* action into the following Count:

Count 1: Eighth Amendment claim for failure to protect against Senn and Thompson.

ANSWER: Defendants deny failing to protect Plaintiff, and deny violating Plaintiff’s constitutional rights.

JURY DEMAND

Defendants demand a trial by jury in this matter.

AFFIRMATIVE DEFENSES

1. Qualified Immunity

At all times relevant to Plaintiff’s claims, Defendants charged herein acted in the good faith performance of their official duties without violating Plaintiff’s clearly established constitutional rights. *Harlow v. Fitzgerald*, 457 U.S. 800, 815 (1982). Defendants are, therefore, protected from liability by the doctrine of qualified immunity.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request that this Honorable Court enter judgment in their favor and against Plaintiff, and deny any and all relief requested by Plaintiff in this matter.

Respectfully submitted,

ANTHONY SENN and AUSTIN THOMPSON,

Defendants,

KWAME RAOUL, Illinois Attorney General,

Attorney for Defendants,

By: s/Victoria Fuller
Victoria Fuller #6329700
Assistant Attorney General

Victoria Fuller, #6329700
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 785-4555 Phone
(217) 521-5091 Fax
Email: Victoria.fuller@ilag.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL TEMPLE, #M21297,)	
)	
Plaintiff,)	
)	
vs.)	No. 20-cv-01343-DWD
)	
AUSTIN THOMPSON, et al.,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2021, the foregoing document, Answer and Affirmative Defense, was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

None

and I hereby certify that on the same date, I caused a copy of the same to be mailed by United States Postal Service, in an envelope fully prepaid and properly addressed to the following participant:

Michael Temple #M21297
STATEVILLE CORRECTIONAL CENTER
Route 53
PO Box 112
Joliet, IL 60434

Respectfully Submitted,

s/ Victoria Fuller
Victoria Fuller, #6329700
Assistant Attorney General
500 South Second Street
Springfield, IL 62701
(217) 785-4555 Telephone
(217) 524-5091 Fax
E-Mail: Victoria.fuller@ilag.gov